IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. No. 22850 OF 2005

Date: 26.10.2005

BETWEEN:

G. Vishnu

.... PETITIONER

And

1. The Collector (Panchayat Wing) Ranga Reddy District, and others.

.... RESPONDENTS

HONOURABLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No. 22850 OF 2005

ORDER:

The petitioner is a Sarpanch of Rachloor village in Kandukur Mandal, Ranga Reddy District. The first respondent herein issued show cause notice on 15.6.2005 calling upon the petitioner to explain as to why he should not be suspended from the office of Sarpanch, on the ground of misappropriation. The petitioner did not submit any explanation. Therefore, the first respondent passed orders on 22.9.2005 placing the petitioner under suspension under sub-section (6) of Section 249 of the Andhra Pradesh Panchayat Raj Act, 1994 (for short 'the Act') for a period of three months. After a lapse of one month, the petitioner assailed the said order in this writ petition.

The learned counsel for the petitioner submits that the impugned order does not mention the amount allegedly misappropriated by the petitioner, and therefore, the suspension order is bad. Secondly, he would urge that though the petitioner has submitted

audit report to the first respondent, the same was not considered and without giving any opportunity, the impugned orders are passed. The learned counsel, however, does not dispute that against the orders of the District Collector under Section 249 (6) of the Act, a revision would lie to the Government under Section 264 of the Act. As the petitioner is raising the questions of fact as to whether there was proper and adequate opportunity to the petitioner, it would be in the interest of the petitioner to relegate him to file a revision before the Government.

Giving liberty to the petitioner to file revision before the Government within a period of one week from today, the Writ Petition is disposed of at the admission stage. As and when such revision is filed, the Government may dispose of the same within a period of ten days thereafter.

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(**V.V.S. RAO, J.)**

26th October, 2005

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